

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
KENNETH FOXWORTH, R.N.	:	
License # 26NO 11943100	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kenneth Foxworth ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about October 24, 2014, a letter of inquiry was sent to Respondent on behalf of the Board, asking for information and documentation concerning an arrest on October 19, 2014 on charges of simple assault, and also asking for

documentation of nursing continuing education completed in the last three years. The letter was sent to Respondent's address of record by certified and regular mail. The certified mailing of the letter of inquiry was returned as "Unable To Forward." The regular mailing was not returned. The Board received no response.

3. Respondent indicated on his 2014 renewal application that he would have timely completed all required nursing continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by May 31, 2014.

CONCLUSIONS OF LAW

Respondent's failure to respond to a Board inquiry and/or failure to provide the Board with a valid address of record constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2 and 1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's failure to provide documentation of required nursing continuing education for the June 1, 2012 - May 31, 2014 licensing cycle is deemed to constitute a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on the 2014 renewal application that he would have completed all required nursing continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by

May 31, 2014 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and seven hundred and fifty dollars (\$750) in civil penalties was entered on March 18, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order of Discipline. Respondent maintained that he had faxed a response to the Board's original letter of inquiry, but could not provide any proof or documentation thereof, such as a fax transmittal confirmation. With his response to the Provisional Order, Respondent provided all the information requested by the Board in its original letter of inquiry. Respondent provided documentation that the criminal matter was ultimately dismissed

and that he had timely completed all required continuing education.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was persuaded that the submitted materials merited modification of the Provisional Order. Inasmuch as Respondent provided the information originally requested and demonstrated timely completion of all required continuing education, the Board determined that the suspension, reprimand, and two hundred and fifty dollar (\$250) civil penalty were no longer warranted. However, the Board was not satisfied with Respondent's mere assertion, without any supporting documentation, that he had faxed a response to the Board's original letter of inquiry and determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty.

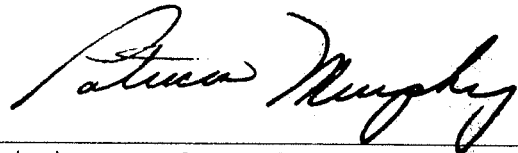
ACCORDINGLY, IT IS on this 1st day of July, 2015,
ORDERED that:

1. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed upon Respondent for the violation of N.J.A.C. 13:45C-1.2 and 1.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of

New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

A handwritten signature in cursive script, appearing to read "Patricia Murphy", written over a horizontal line.

Patricia Murphy, PhD, APN
Board President